

ORIGINAL

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

(11) *gm*
8/14/01

YONNIE BAILEY,**Petitioner****v.****JAKE MENDEZ,****Respondent**

**No. 1:CV-00-2184
(Judge Caldwell)**

**FILED
HARRISBURG**

AUG 13 2001

MARY E. D'ANDREA, CLERK
Per 9/16
DEPUTY CLERK

**MOTION FOR AN ENLARGEMENT OF TIME TO
RESPOND TO PETITION FOR WRIT OF HABEAS CORPUS**

The Pennsylvania Board of Probation and Parole, (hereinafter "the Board") by and through their attorney, the Attorney General of Pennsylvania, hereby moves the Court, pursuant to Fed.R.Civ.P. 6(b) for an enlargement of time within which to file a response to the petition for writ of habeas corpus. In support of this motion, the Board states the following:

1. On December 15, 2000, federal prisoner Yonnie Bailey, #46949-066, filed the instant petition for writ of habeas corpus. The petition named Jake Mendez, Warden of the United States Penitentiary at Allenwood as respondent. On February 15, 2001, the Court directed that a copy of the petition be served on respondent Mendez, the U. S. Attorney for the Middle District of Pennsylvania, and the Board. Respondent Mendez was ordered to respond to the allegations in the petition.

2. On July 24, 2001, the Court determined that after a review of the issues involved in Bailey's petition that a response from the Board is necessary to resolve this matter. The Court then directed the Board to respond to the allegations in the petition within 20 days.

3. As best as can be determined by the Board's counsel, for some reason counsel did not receive the Court's order at the Office of Attorney General until August 3, 2001. Upon receipt of the Order, counsel attempted to obtain petitioner's parole file from the Board. It is counsel's understanding that last week the Board was conducting maintenance on its Automated File Location System and, as a result, the Office of Chief Counsel was unable to obtain the file for the Attorney General's Office. According to Maria Hower, Legal Assistant I at the Board, the Attorney General should be provided with the file this week.

4. As such, respondents request a 10 day extension of time within which to respond to the petition for habeas corpus.

5. The Board does not believe that such a limited extension of time will adversely affect petitioner.

WHEREFORE, the Board requests an extension of time to file a response to the petition for writ of habeas corpus.

Respectfully submitted,

D. MICHAEL FISHER
Attorney General

By: *Seth A. Mendelsohn*
SETH A. MENDELSON
Deputy Attorney General

SUSAN J. FORNEY
Chief Deputy Attorney General
Chief Litigation Section

Office of Attorney General
15th Floor, Strawberry Sq.
Harrisburg, PA 17120
Direct Dial: (717) 787-1194
Fax: (717) 772-4526
E-Mail: smendelsohn@attorneygeneral.gov

DATE: August 13, 2001

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

YONNIE BAILEY,

Petitioner

v.

JAKE MENDEZ,

Respondent

:
:
:
:
:
:
:
:
:
:


**No. 1:CV-00-2184
(Judge Caldwell)**

CERTIFICATE OF SERVICE

I, Seth A. Mendelsohn, Deputy Attorney General, hereby certify that on this date I caused to be served the foregoing Motion For an Enlargement of Time to Respond to Petition for Writ of Habeas Corpus, by depositing a copy of the same in the United States mail, postage prepaid, in Harrisburg, PA., addressed to the following:

Yonnie Bailey, #46949-066
USP Allenwood
White Deer, PA 17887

Matthew Edward Haggerty
Asst. U. S. Attorney
228 Walnut St., Suite 220
P O. Box 11754
Harrisburg, PA 17108-1754


**SETH A. MENDELSON
DEPUTY ATTORNEY GENERAL**

DATE: August 13, 2001